

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CDC NEWBURGH INC.,

Plaintiff,

v.

STM BAGS LLC; AND LIENAU SALES AND MARKETING, LLC (D/B/A LIENAU),

Defendants.

Civil Action No. 7:22-cv-1597-NSR

**DEFENDANT LIENAU SALES AND MARKETING, LLC'S NOTICE OF MOTION TO
DISMISS PLAINTIFF'S AMENDED COMPLAINT AND ADD A COUNTERCLAIM**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declarations of Temple Powers and Martin Schwimmer, Defendant LIENAU SALES AND MARKETING, LLC (D/B/A LIENAU), by and through their counsel, move this Court before the Honorable Nelson S. Román, United States District Judge for the Southern District of New York, at the United States Courthouse, 300 Quarropas Street White Plains, NY 10601, on a date and time to be determined, for an Order dismissing with prejudice all claims against them by Plaintiff, for failure to state a claim upon which relief can be granted pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and an Order granting leave to file a counterclaim against the Plaintiff under the anti-SLAPP statute, N.Y. Civil Rights Law §§ 70-a, 76-a.

Dated: August 15, 2022

Respectfully Submitted,

LEASON ELLIS LLP



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*Attorneys for Defendant Lienau Sales and
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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2022, a true and correct copy of the foregoing
DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT
was served upon all counsel of record by email to:

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Martin Schinnerer